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The University of New Mexico

International Programs and Studies
MSC06 3850
1 University of New Mexico
Albuquerque, NM 87131-0001
Phone: (505) 277-4032
FAX: (505) 277-1867

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Commissioner of Social Security
P.O. Box 17703
Baltimore, MD 21235-7703

RE: Proposed Rule regarding evidence requirements for assignment of Social Security numbers to foreign academic students in F-1 status.

Dear Commissioner:

This letter is regarding the proposed rule referenced above. I am writing to express my concern about the negative impact that this proposed rule would have on international students in legal F-1 status, the institutions they attend, and the communities in which they live. NAFSA: Association of International Educators has written a very thorough comment letter with which I concur wholeheartedly. However, I feel it necessary to write regarding my own experience as well.

I find it hard to express in words the hopelessness that I feel when I contemplate the effect this proposed regulation will have on the real lives of international students studying legally in the US. Day after day, federal and state government agencies such as SSA, IRS, motor vehicles, and immigration, as well as non-governmental institutions and companies such as banks, rental agencies, utility companies and others, have been creating new rules and regulations which make it increasingly impossible for international students to study in the US. Without awareness of the interdependencies between these regulations, all of these entities are effectively paralyzing legal foreign students, making it impossible for them to function in our society, to conduct the legal activities they are here to accomplish, and squelching international exchange. In turn, inhibition of international exchange degrades our hope of national security through increased understanding in the process. I implore the SSA to reconsider this unnecessary and destructive rule change.

Functioning Legally in the U.S.: A Challenge Becoming Prohibitive

Rather than continuing on in the abstract, let me provide some real details. An international student who arrives in the US in legal F1 status and wishes to begin study has the following obstacles to overcome: they must find housing and deposit large sums of money to secure it, set up a bank account, arrange transportation, utilities, telephone, attend required orientations, provide immigration documents to school officials, consult with academic advisors, register for classes, purchase household items, books and educational supplies, begin adjusting to the practical and cultural life of the US, and complete and provide tax and work eligibility

documentation to university departments, and payroll – all of this often in a matter of days. Currently, many of these activities require an SSN or promise of a forthcoming SSN to accomplish. Already, to get the SSN, students must provide all of their immigration documents to the USCIS-designated Designated School Official, (DSO) who must review the documentation to establish that they are in legal standing and provide a letter to SSA stating that they are in legal F-1 status and are eligible for work as a part of that F1 status. Then they must wait until they have been in the US for 10 days before they can apply for the SSN so that the SSA has time to receive information from the immigration port of entry system regarding the same status that the DSO has already confirmed in writing. Often, even though the person has entered legally (and always if the person has legally changed to student immigration status while in the US) the information about their legal status does not appear in the SSA system. After two weeks, if their name does not appear in the SSA system, copies of their immigration documents have to be sent to Los Angeles to be verified by immigration. Finally, these documents are returned to SSA and the number can be issued. In my experience it often takes more than one or two months for students to receive the card. In the meantime, students who are on assistantships are required to provide the SSN to the university payroll office within 21 days of employment (I-9 work eligibility rules). If they fail to do so, they must be removed from payroll until they can produce the number, which can mean no money to survive, sometimes for weeks at a time.

Further Complications: SSN's, ITIN's, and the SSA

Recently our local banks, citing the patriot act as justification, have begun refusing to open bank accounts for those without an SSN. Therefore, to pay deposits, cash assistantship checks, and buy what they need, legal F-1 students have to rely on colleagues or friends to loan them funds or to access funds that they have abroad. In addition, utility companies will not set up phone lines or other services without either an SSN or a bank account demonstrating ability to pay. Under the proposed SSA regulations, for international students who will receive immediate employment, the issue is only a matter of hardship and time (providing they can find someone who will help them out with money matters such as cashing payroll checks). For those who do not have immediate employment, the new rules would mean that they would never be able to set up a bank account and therefore would effectively NOT be able to study as they would never be able to function with liquid assets enough to pay housing, tuition and living expenses. The bank has given them the option of securing an ITIN number from the IRS in lieu of an SSN. However, our local IRS has recently informed us that rules have changed regarding the ITIN number and that the number can only be issued when needed for employment OR at the time of submission of tax returns (January to April). Thus, the student who does not have an immediate employment offer (or who does not plan to work), would not be able to get the ITIN number until either they obtain employment or tax season arrives. Since most international students arrive in August, this would mean six months wait to receive an acceptable ID number that would allow them to set up a bank account, and utilities. While in the meantime, they would not be able to function at all without funds and access to basic services. Furthermore, NM state law requires that an F-1 student have an SSN to obtain a driver's license or a state ID. Students who do not have either of these documents are not able to drive and would have to carry and use their passport on a daily basis to show legal identification to cash checks or prove identity and even then, some institutions still want the driver's license to allow the student to do business. For some, the inability to get a driver's license would mean an unbelievable hardship, for example, prohibiting them from transporting

themselves or their children to and from school, from transporting groceries and other necessities and from accessing other required services.

The Reality of the Need for an SSN to Function in US Society

While I fully recognize that the actions and requirements of other governmental agencies and non-governmental institutions are not the responsibility of the SSA, it is critical that the SSA recognize the extent to which the SSN is required to function in US society. If the SSA wishes to restrict this usage, it needs to begin by educating the institutions that are using the number incorrectly, not by penalizing those that are legally present in the US to study. Furthermore, if the SSA feels that restricting access to the card is necessary to deter illegal employment, it needs to recognize that the most effective way to deter illegal employment is to educate employers about the documents necessary to demonstrate eligibility to work. Since the card international students receive already indicates that they are "Not Eligible for Employment without INS authorization," they would not be able to use this card for illegal employment as long as the employer was aware that this type of SSN is not valid proof of employment authorization. Making employers aware of the nuances of the type of cards issued would not only enable SSA to deter misuse of the SSN and illegal employment on the part of international students and others who come to the US in the future, but also to deter misuse by the thousands of tourists, students and others who were already issued the card in the past.

As NAFSA has stated in its comment letter, further restriction of the SSN is unnecessary and will do nothing to eliminate fraud or illegal employment either on the part of those who obtained the SSN in the past or will obtain the SSN in the future (students who are legally employed and get the SSN today could still use the SSN for illegal employment in the future). I implore the SSA to shelve implementation of this new rule and to get together with other US agencies to work out a humane and effective plan to meet all agencies goals without harming international students or international exchange in the process.

Sincerely,



Linda L. Melville
International Advisement Specialist
Office of International Programs and Studies
University of New Mexico